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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,443	08/28/2003	Naoya Haneda	09812.0488-00000	6728
22852 7590 05/14/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER PERUNGAVOOR, VENKATANARAY	
			ART UNIT 2132	PAPER NUMBER
			MAIL DATE 05/14/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/650,443

Applicant(s)

HANEDA ET AL.

Examiner

Venkat Perungavoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/6/07.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-19 in the reply filed on 3/6/2007 is acknowledged.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 3/6/2007 was filed after the mailing date of the Requirement for Restriction/Election on 1/31/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 USC § 101 as they recite a software program per se which is non-statutory subject matter. See MPEP 2106.01[R-5], I.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 10, 18, 19, are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent

Publication 2003/0187801 A1 to Chase JR et al.(hereinafter Chase).

Regarding Claim 1, 18, 19, Chase discloses the replacement step of replacing the first data(scripts) contained in the first string(revocation string) see Fig. 14 item 60 & 16 & Par. 0021; generating the second data string (revocation/modifying string) using the data(scripts) from replacement step see Fig. 14 item 60 & Fig. 13 item 1301 & Par. 0317; usage-license information addition step including information regarding the script for instructions/permissions/rules for use see Par. 0302 & Par. 0064; the data being utilized based on the usage license information see Par. 0111.

Regarding Claim 2, 4, 6, Chase discloses multiple revocation strings to be added to the license see Par. 0292(where the string includes information regarding the rights/privileges) & Par. 0308(where adding/modifying the license conditions take place).

Regarding Claim 3, Chase discloses the reconstructing the revocation string in form of new string taking into account for all previous strings/scripts see Par. 0313 and further discloses the overriding of previous revocation string see Par. 0286.

Regarding Claim 5, Chase discloses the revocation string being deleted for license see Par. 0298.

Regarding Claim 7, Chase discloses the encrypting of packets(i.e. license information) see Fig. 2 item 18c.

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Regarding Claim 8, Chase discloses the information regarding the expiration date, times of use and the like being embedded within the packet see Par. 0315.

Regarding Claim 10, Chase discloses the encoding being embedded within the packet see Fig. 2 item 18b & Par. 0074.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2003/0187801 A1 to Chase JR et al.(hereinafter Chase) in view of US Patent 5758069 to Olsen.

Regarding Claim 9, Chase does not explicitly disclose the lower playback quality. However, Olsen discloses the intermediary that executes the part of data string being played at lower playback quality see Col 13 Ln 19-51. It would be obvious to one having ordinary skill in the art at the time of the invention to include the intermediary that executes the part of data string being played at lower playback quality in the invention of Chase in order to reduce the load resources(i.e. server and client) as taught in Olsen see Col 14 Ln 13-19.

Claims 11, 14-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication 2003/0187801 A1 to Chase JR et al.(hereinafter Chase) in view of US Patent 2004/0049378 to Takamizawa et al.(hereinafter Takamizawa).

Regarding Claim 11, 14-17, Chase does not disclose the coefficient for normalizing, quantizing-precision and variable-length codes. However, Takamizawa discloses the coefficient for normalizing, quantizing-precision and variable-length codes see Fig. 2 item 11,10,13 & Par. 0006 & Par. 0009. It would be obvious to one having ordinary skill in the art at the time of the invention to include the coefficient for normalizing, quantizing-precision and variable-length codes in the invention of Chase in order to use MDCT coding on audio signals as taught in Takamizawa see Par. 0006.

#### ***Allowable Subject Matter***

Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VP/  
Venkat Perungavoor  
Examiner  
Art Unit 2132  
May 8, 2007

  
GILBERTO BARRON JR  
SUPERVISORY PATENT EXAMINER  
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